

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:20-CV-707-RJC-DCK**

MONTEZ DENARD HARRIS,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
TRANSUNION,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on *pro se* Plaintiff's "...Motion And Moves For Certification And Report Of F.R.C.P. 26(f) Conference And Discovery Plan" (Document No. 13) filed August 16, 2021. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

Liberally construing *pro se* Plaintiff's filing, it *may* be intended as a response to "Trans Union LLC's Motion To Dismiss For Improper Service . . . Or, In the Alternative Agreed Motion For Leave to File Its Answer And Defenses To Plaintiff's Complaint Out Of Time" (Document No. 9). However, Plaintiff's "motion" does not specifically address the pending motion to dismiss, its arguments, or alternative request for relief. Moreover, the instant filing does not comply with or acknowledge the Court's "Order" (Document No. 11), issued pursuant to Roseboro v. Garrison, requiring a response by July 2, 2021. Even if the instant "motion" was intended as response, the Local Rules of this Court prohibit the inclusion of motions in responsive briefs. See LCvR 7.1(c)(2).

Under these circumstances, the Court will deny the instant “motion” but allow *pro se* Plaintiff an extension of time to file a response to “Trans Union LLC’s Motion To Dismiss For Improper Service . . . Or, In the Alternative Agreed Motion For Leave to File Its Answer And Defenses To Plaintiff’s Complaint Out Of Time” (Document No. 9). Plaintiff shall file a timely response that addresses Defendant’s arguments. Further failure to comply with the Orders of this Court will likely lead to the dismissal of this action.

IT IS, THEREFORE, ORDERED that *pro se* Plaintiff’s “...Motion And Moves For Certification And Report Of F.R.C.P. 26(f) Conference And Discovery Plan” (Document No. 13) is **DENIED**.

IT IS FURTHER ORDERED that *pro se* Plaintiff shall file a response to “Trans Union LLC’s Motion To Dismiss For Improper Service . . . Or, In the Alternative Agreed Motion For Leave to File Its Answer And Defenses To Plaintiff’s Complaint Out Of Time” (Document No. 9) on or before **August 30, 2021**.

The Clerk of Court is directed to send a copy of this Order and Document No. 11 by email and certified U.S. Mail, return receipt requested, to the addresses provided by *pro se* Plaintiff in Document No. 13, p.3.

SO ORDERED.

Signed: August 16, 2021



David C. Keesler
United States Magistrate Judge
